

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN JOSE

UNITED STATES OF AMERICA,

V.

FILED

AUG 75 Guid

SUSAN Y. SOONG
NORTHERN DISTRICT COURT
SAN JOSE, CALIFORNIA

ANTHONY SCOTT LEVANDOWSKI,

CR 19 00377

DEFENDANT(S).

LHK
SVK

INDICTMENT

18 U.S.C. § 1832(a)(1), (2), (3) & (4) – Theft and Attempted Theft of Trade Secrets;
18 U.S.C. §§ 1843 and 2323 – Criminal Forfeiture.

A true bill

Foreman

Filed in open court this 15 day of August 2019

Nathaniel Cook

U.S. Marshal's Office Clerk

Bail, \$ no bail arrest warrant

DOCUMENT NO.	CAS INITIALS
<u>1</u>	<u>cse</u>
DISTRICT COURT CRIMINAL DIVISION	

~~SEALED BY ORDER
OF COURT~~

FILED

AUG 15 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 DAVID L. ANDERSON (CABN 149604)
United States Attorney
2
3
4
5
6
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ANTHONY SCOTT LEVANDOWSKI,

15 Defendant.

CR 19 Case No. 00377 LHK SVK

) VIOLATIONS: Title 18, United States Code,
) Sections 1832(a)(1), (2), (3) & (4) – Theft and
) Attempted Theft of Trade Secrets; Title 18, United
) States Code, Sections 1843 and 2323 – Criminal
) Forfeiture.
) San Jose Venue
)
)

17
18 I N D I C T M E N T

19 The Grand Jury charges:

20 Introductory Allegations

21 1. In or about 2009, Google Inc. (“Google”) began a self-driving car project known within
22 the company as Project Chauffeur. Google employees working on Project Chauffeur designed and
23 developed both the hardware and software necessary for fully autonomous vehicles. Self-driving
24 vehicles, and many of their component parts, were intended for use in interstate commerce. At all times
25 relevant to this Indictment, Google owned all of the Project Chauffeur intellectual property, including
26 but not limited to, the trade secrets at issue. Google was headquartered, and Project Chauffeur
27 maintained offices in, Mountain View, California.

28 2. In December 2016, after the events outlined in this Indictment, Project Chauffeur became

1 Waymo, a stand-alone company with over 600 employees. Waymo operated alongside Google and
2 other technology companies under the umbrella of Alphabet Inc.

3 3. Uber Technologies, Inc. (“Uber”) began as a ridesharing app in or about 2009. By 2015,
4 Uber had expanded its business to include food delivery and other logistics. That same year, Uber
5 began investing in autonomous vehicle technologies. At all times relevant to this Indictment, Uber was
6 headquartered in San Francisco, California.

7 4. Anthony LEVANDOWSKI joined Google as an engineer in or about April 2007. He was
8 one of the founding members of Project Chauffeur. In or about 2007, 2009, and 2012,
9 LEVANDOWSKI signed employment agreements with Google. Each employment agreement
10 contained, among other provisions, a Confidential Information paragraph, which obligated
11 LEVANDOWSKI to hold Google’s Confidential Information, including trade secrets, in confidence.
12 On or about January 27, 2016, LEVANDOWSKI resigned from Google without notice. At the time of
13 his departure, LEVANDOWSKI was in charge of the Light Detection and Ranging (LiDAR)
14 engineering team within Project Chauffeur.

15 5. Without disclosing it to Google, in or about the spring of 2012, LEVANDOWSKI
16 participated in the formation of a LiDAR company later incorporated as Odin Wave LLC (“Odin
17 Wave”). Odin Wave had a handful of employees and offices in Berkeley, California. The company
18 worked to develop a high-accuracy mapping LiDAR sensor. In or about late 2013, Odin Wave began
19 doing business as Tyto LiDAR LLC (“Tyto”) and moved to offices in San Leandro, California.
20 Paperwork formalizing the name change was filed in or about February 2014. By 2015, Tyto was
21 attempting to market its LiDAR technology to self-driving companies, including Uber.

22 6. No later than in or about September 2015, LEVANDOWSKI decided to leave Google
23 and form a new self-driving company. LEVANDOWSKI’s new company was initially called 280
24 Systems, Inc. but later changed its name to Ottomotto Inc. (“Ottomotto”). In or about fall 2015,
25 LEVANDOWSKI began having discussions with executives at Uber regarding Uber potentially making
26 an investment in or acquiring Ottomotto. Those negotiations intensified in December 2015 and January
27 2016, with Uber and Ottomotto signing a term sheet in February 2016.

28 7. On or about April 11, 2016, Uber’s Board of Directors approved the Uber/Ottomotto

1 transaction. Shortly thereafter, Ottomotto acquired Tyto. Uber's acquisition of Ottomotto closed in
2 August 2016. (By the time of the acquisition, Ottomotto had been re-incorporated as Ottomotto LLC
3 and Otto Trucking LLC.)

4 The Technology

5 8. The technology and information at issue involved the research, development, and
6 production of LiDAR technology for self-driving vehicles. A LiDAR sensor is typically mounted on the
7 exterior of a self-driving vehicle. It works by sending out an array of high-power, pulsing lasers into the
8 surrounding environment. The laser beams bounce off surrounding objects and return to the sensor,
9 which measures the qualities of the return signals to determine the size, shape, and distance of
10 surrounding objects. Self-driving companies have used LiDAR for critical functions, including but not
11 limited to, mapping and perception. For mapping, LiDAR can be used to create a three-dimensional
12 map of the static environment in which the vehicle will operate. Regarding perception, LiDAR
13 dynamically detects what is happening around a vehicle as it travels through the previously mapped
14 environment. In real time, it provides information to the vehicle about other vehicles, pedestrians, and
15 obstacles on the road.

16 9. Through years of research and testing, and millions of dollars in investment, Project
17 Chauffeur developed its own customized LiDAR systems. Those custom systems were used for both
18 mapping and perception and consisted of thousands of individual hardware and software components.
19 The success of the LiDAR effort was critical to the overall success of Project Chauffeur. Moreover,
20 having custom LiDAR, as opposed to commercially available LiDAR, was a key differentiator between
21 Project Chauffeur and its competitors in the 2015 and 2016 timeframe.

22 10. The Google employees working on Project Chauffeur used secure, password-protected
23 repositories to store their files, with access available to employees in the course of their job
24 responsibilities, as authenticated by valid user credentials. Project Chauffeur's repositories included the
25 following:

26 a. SVN: Project Chauffeur engineers used computer-assisted design (CAD) software to
27 design hardware, including custom LiDAR. CAD files, including circuit board drawings and
28 schematics, were housed on a subversion, or SVN, server hosted on Google's network. To

1 access SVN, Project Chauffeur employees had to email the SVN administrator to request a
2 username and password.

3 b. Google Drive: The Project Chauffeur team used Google's corporate drive as a repository
4 for non-CAD files, such as presentations and spreadsheets. Only Google employees could
5 access this Drive, after authentication of their credentials on the Google network.

6 11. In the months before his departure from Google, LEVANDOWSKI downloaded
7 thousands of Project Chauffeur files. On or about December 11, 2015, he downloaded approximately
8 14,000 files from SVN. These files contained critical engineering information about the hardware used
9 on Project Chauffeur self-driving vehicles, including schematics for the printed circuit boards used in
10 various custom LiDAR products. On or about December 14, 2015, LEVANDOWSKI transferred the
11 SVN files from his Google laptop to his personal laptop. Additionally, between in or about October
12 2015 and January 2016, LEVANDOWSKI downloaded, directly to his personal laptop, at least 20 files
13 from the Google Drive, including instructions for calibrating and tuning Google's custom LiDAR and an
14 internal tracking document setting forth, among other things, technical goals for each team within
15 Project Chauffeur.

16
17 COUNTS ONE THROUGH THIRTY-THREE: (18 U.S.C. §§ 1832(a)(1), (2), (3) & (4) – Theft and
18 Attempted Theft of Trade Secrets)

19 12. The allegations contained in Paragraphs 1 through 11 are realleged and incorporated as if
20 fully set forth herein.

21 13. On or about the dates set forth in the separate counts below, in the Northern District of
22 California and elsewhere, the defendant,

23 ANTHONY SCOTT LEVANDOWSKI,

24 intending to convert a trade secret that was related to a product and service used in and intended for use
25 in interstate and foreign commerce to the economic benefit of anyone other than the owner of that trade
26 secret, and knowing and intending that the offense would injure the owner of that trade secret, as
27 specifically alleged in each of Counts One through Thirty-three below:

28 a. knowingly stole, and without authorization appropriated, took, carried away, concealed,

1 and by fraud, artifice, and deception obtained trade secrets belonging to Google, and attempted
 2 to do so;

3 b. knowingly and without authorization copied, duplicated, sketched, drew, downloaded,
 4 uploaded, altered, photocopied, replicated, transmitted, delivered, sent, communicated, and
 5 conveyed trade secrets belonging to Google and attempted to do so; and

6 c. knowingly and without authorization received, bought, and possessed trade secrets
 7 belonging to Google, and attempted to do so, knowing the same to have been stolen and
 8 appropriated, obtained, and converted without authorization:

Count	Date	File Name	Description	Source
One	12-11-15	projects/Laser/GBr/gbr-laser-module/3-1-0/gbr-laser-moduleA-3-1-0/laserA.PcbDoc	Transmit Block Configuration	SVN
Two	12-11-15	projects/Laser/GBr/gbr-laser-module/3-1-0/gbr-laser-moduleB-3-1-0/laserB.PcbDoc	Transmit Block Configuration	SVN
Three	12-11-15	projects/Laser/GBr/gbr-laser-module/3-1-0/gbr-laser-moduleC-3-1-0/laserC.PcbDoc	Transmit Block Configuration	SVN
Four	12-11-15	projects/Laser/GBr/gbr-laser-module/3-1-0/gbr-laser-moduleD-3-1-0/laserD.PcbDoc	Transmit Block Configuration	SVN
Five	12-11-15	projects/Laser/GBr/gbr-laser-module/3-1-0/gbr-laser-moduleE-3-1-0/laserE.PcbDoc	Transmit Block Configuration	SVN
Six	12-11-15	projects/Laser/GBr/gbr-laser-module/3-1-0/gbr-laser-moduleF-3-1-0/LsrBrdF.PcbDoc	Transmit Block Configuration	SVN
Seven	12-11-15	projects/Laser/GBr/gbr-motherboard/gbr-motherboard_3-0-0/receiver.SchDoc	Receiver Schematic and Structure	SVN
Eight	12-11-15	projects/Laser/GBr/gbr-motherboard/gbr-motherboard_3-0-0/DAC_rcvr.SchDoc	Receiver DAC Circuit	SVN
Nine	12-11-15	projects/Laser/GBr/gbr-motherboard/gbr-motherboard_3-0-0/flop.SchDoc	Receiver Flip-flop Circuit	SVN
Ten	12-11-15	projects/Laser/GBr/gbr-motor/gbr-motor_2-5-0/gbr-motor.PcbDoc	Motor Design	SVN
Eleven	12-11-15	projects/Laser/PBr/pbr-motor-pcb/pbr-motor-pcb_1-1-4/pbr-motor.PcbDoc	Motor Design	SVN

1	Twelve	12-11-15	projects/Laser/PBr/pbr-flex-clock/pbr-flex-clock_1-4-1/pbr-flex-clock. PcbDoc	Use and Structure of a Flex PCB	SVN
2	Thirteen	12-11-15	projects/Laser/PBr/pbr-receiver/pbr-receiver_1-4-1/apd.SchDoc	APD Circuit Design	SVN
3	Fourteen	12-11-15	projects/Laser/PBr/pbr-motherboard/pbr-motherboard-1-14-0/receiver.SchDoc	Receiver Schematic and Structure	SVN
4	Fifteen	12-11-15	projects/Laser/PBr/pbr-motherboard/pbr-motherboard-1-14-0/DAC_rcvr.SchDoc	Receiver DAC Circuit	SVN
5	Sixteen	12-11-15	projects/Laser/PBr/pbr-motherboard/pbr-motherboard-1-14-0/flop.SchDoc	Receiver Flip-flop Circuit	SVN
6	Seventeen	12-11-15	projects/Laser/PBr/pbr-motherboard/pbr-motherboard-1-14-0/APD_BIAS.SchDoc	APD Circuit Design	SVN
7	Eighteen	12-11-15	projects/Laser/KBr/kbr-motherboard/kbr-motherboard-1-5-0/pulse_shaper.SchDoc	Pulse Control Circuit	SVN
8	Nineteen	12-11-15	projects/Laser/TBr/tbr-motherboard/tbr-motherboard_4-2-0/receiver.SchDoc	Receiver Schematic and Structure	SVN
9	Twenty	12-11-15	projects/Laser/TBr/tbr-motherboard/tbr-motherboard_4-2-0/DAC_rcvr.SchDoc	Receiver DAC Circuit	SVN
10	Twenty-one	12-11-15	projects/Laser/TBr/tbr-motherboard/tbr-motherboard_4-2-0/flop.SchDoc	Flip-flop Circuit	SVN
11	Twenty-two	12-11-15	projects/Laser/YBr/ybr-pulser/ybr-pulser_1-1-0/driver.SchDoc	Laser Pulse Driver Design	SVN
12	Twenty-three	12-11-15	projects/Laser/YBr/ybr-rx-module/ybr-rx-module_1-0-0/ybr-rx_module.SchDoc	Receiver Module Design	SVN
13	Twenty-four	12-11-15	projects/Laser/BBr/bbr-motherboard/bbr-motherboard_1-0-0/driver.SchDoc	Laser Pulse Driver Design	SVN
14	Twenty-five	12-11-15	projects/Laser/CBr/laser_module_test/laser_module_test_1-0-2B/laser.SchDoc	Laser Pulser Circuit Schematic	SVN
15	Twenty-six	12-11-15	projects/Laser/CBr/laser_module_test/spice_sim/laser_module_1-0-1.asc	Simulation Models for Laser Pulser Circuit	SVN
16	Twenty-seven	11-19-15	Google Fiber Laser for Lidar	Presentation re Project Chauffeur's Unique Fiber Laser Design	Google Drive

1	Twenty-eight	12-18-15	Thermal Rotary Coupling	Presentation re LiDAR Engineering Issue	Google Drive
2	Twenty-nine	01-04-16	PBR Intensity Calibration	Instructions for how to calibrate long-range LiDAR intrinsic properties once it is installed on vehicle	Google Drive
3	Thirty	01-04-16	Pbr Extrinsic Calibration	Instructions for how to calibrate long-range LiDAR to function properly with mid-range LiDAR on vehicle	Google Drive
4	Thirty-one	01-04-16	Tx and Rx tuning Instructions	Instructions for checking that the laser in the long-range LiDAR is positioned correctly and meets certain criteria	Google Drive
5	Thirty-two	01-04-16	TBR TESTING STATION	Manual for various quality control tests and assembly steps to be performed on short-range LiDAR during manufacturing	Google Drive
6	Thirty-three	01-11-16	Chauffeur TL weekly updates - Q4 2015	Internal Project Chauffeur Tracking and Planning Document	Google Drive

18
19 Each in violation of Title 18, United States Code, Sections 1832(a)(1), (2), (3) & (4).

20
21 **FORFEITURE ALLEGATION:** (18 U.S.C. §§ 1834 and 2323 – Proceeds and Property Involved in
Theft of Trade Secrets)

22
23 14. The allegations contained in Counts One through Thirty-three of this Indictment are
hereby realleged and incorporated as if fully set forth here. Upon conviction of any of those offenses,
the defendant,

24
25 ANTHONY SCOTT LEVANDOWSKI,

26
27 shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 1834 and
2323, any property used, or intended to be used, in any manner or part to commit or facilitate the

1 commission of the offenses, and any property constituting or derived from any proceeds obtained
2 directly or indirectly as a result of the commission of the offenses.

3 15. If any of the property described above, as a result of any act or omission of the defendant:

4 a. cannot be located upon the exercise of due diligence;

5 b. has been transferred or sold to, or deposited with, a third party;

6 c. has been placed beyond the jurisdiction of the court;

7 d. has been substantially diminished in value; or

8 e. has been commingled with other property which cannot be divided without
9 difficulty,

10 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
11 United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2323(b).

12 All pursuant to Title 18, United States Code, Sections 1834 and 2323.

13
14 DATED: 8-15-19

A TRUE BILL.



15
16
17
18
19
20
21
22
23
24
25
26
27
28

FOREPERSON

DAVID L. ANDERSON
United States Attorney

KATHERINE L. WAWRZYNIAK
ANDREW F. DAWSON
AMIE D. ROONEY
Assistant United States Attorneys

~~SEALED BY ORDER~~~~OF COURT~~

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1832(a)(1), (2), (3) & (4) – Theft and Attempted
Theft of Trade Secrets; and

18 U.S.C. §§ 1843 and 2323 – Criminal Forfeiture.

 Petty Minor Misdemeanor Felony

PENALTY: Maximum Penalties (per Count):

10 years imprisonment;

\$250,000 fine, or twice the gross gain/loss;

\$100 special assessment; and

3 years' supervised release.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

Anthony Scott Levandowski

DISTRICT COURT NUMBER

CR 19 00377

LHK

SVK

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1) If not detained give date any prior summons was served on above charges2) Is a Fugitive3) Is on Bail or Release from (show District)

FILED

AUG 15 2019

IS IN CUSTODY

4) On this chargeSUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE5) On another conviction} Federal State6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer Yes
been filed? No} If "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submittedName and Office of Person
Furnishing Information on this form DAVID L. ANDERSON U.S. Attorney Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned) Katherine L. Wawrzyniak

PROCESS:

 SUMMONS NO PROCESS* WARRANT

Bail Amount: No bail

If Summons, complete following:

 Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments: